

**Beverly Saxon Leonard, 153105
THE SAXON LEONARD LAW FIRM
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**Attorney for Plaintiff
CLIFFORD DILBERT**

**IN THE DISTRICT COURT OF THE UNITED STATES
IN AND FOR THE NORTHERN DISTRICT OF CALIFORNIA**

CLIFFORD DILBERT,

Plaintiff,

v.

**JOHN E. POTTER, POSTMASTER
GENERAL,**

Defendant.

Case No.: C-05 000 87 JSW

**STIPULATION AND ORDER RE:
REQUEST FOR ORDER CHANGING
TIME FOR MEET & CONFER RE
INITIAL DISCLOSURES AND TO FILE
ADR CERTIFICATION, AND TO
EXCHANGE INITIAL DISCLOSURES,
AND TO CONTINUE CASE
MANAGEMENT CONFERENCE
(Local Rule 6-2)**

WHEREAS, Plaintiff CLIFFORD DILBERT, by and through his attorney of record,
BEVERLY SAXON LEONARD, hereby states and requests:

1. Plaintiff Clifford Dilbert was recently tried in Napa County Superior Court on charges of child molestation.
2. On the date closing arguments were to be given to the jury, February 10, 2005, Clifford Dilbert failed to appear in court. He was declared a fugitive from justice and he was found guilty of the charges against him.
3. Clifford Dilbert was subsequently apprehended in Toronto, Canada on February 12, 2005. He has been extradited back to Napa and has been sentenced to twenty-one

1 years to life in state prison. For this and other reasons, plaintiff's counsel intends to
 2 withdraw from further representation of the plaintiff. A motion to withdraw as
 3 counsel of record for Mr. Dilbert has been e-filed and is set for hearing on January
 4 6, 2006.

5 4. Because of plaintiff's unavailability, plaintiff's counsel is unable to complete the
 6 Initial Disclosures for exchange, or to complete an ADR Certification. Plaintiff's
 7 counsel did contact defendant's counsel on October 18, 2005, to advise him of
 8 plaintiff's predicament. It was agreed plaintiff's counsel would request a stay or
 9 extension of all deadlines and a continuance of the Case Management Conference
 10 currently set for November 4, 2005.

11 5. Plaintiff requests an extension of time to meet and confer re initial disclosures, to file
 12 an ADR Certification, and to complete the Initial Disclosures and the Case
 13 Management Conference Statement, and asks to continue the Case Management
 14 Conference scheduled on November 4, 2005 , at 1:30 p.m., to a date ninety days
 15 hence, following the hearing on the motion to withdraw as counsel.

16 6. The Defendant does not object to plaintiff's request.

17 Dated: October 18, 2005

Respectfully Submitted,

18 THE SAXON LEONARD LAW FIRM

19 *Not a Court Document*

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 21 By: /s/
 22 **Beverly Saxon Leonard**
 23 Attorney for Plaintiff Clifford Dilbert
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Defendant does not object to Plaintiff's request to extend the deadlines referenced above, nor does defendant object to a continuance of the November 4, 2005, Case Management Conference to a date ninety days hence following the hearing on the motion to withdraw.

Dated: October 18, 2005

KEVIN V. RYAN
United States Attorney

By: /s/
Abraham Simmons
Assistant United States Attorney
Attorneys for Defendant John E. Potter

ORDER OF THE COURT

The Court, having considered the request for Order Changing Time, hereby
ORDERS:

The parties shall hold a meet and confer re initial disclosures, early settlement, ADR Process selection, and discovery plan by April 7, 2006.

The parties shall file a joint ADR Certification with Stipulation for ADR process or Notice of Need for ADR Phone Conference by April 7, 2006.

Not a Court Order

The last day to complete initial disclosures or state objection to Rule 26 (f) Report, file/serve Case Management Statement, and file/serve Rule 26 (f) Report is April 28, 2006.

The Case Management Conference shall be held in Courtroom 2, 17th Floor at 1:30 p.m., on May 5, 2006.

1 **IT IS SO ORDERED**

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3 **Dated: October 18, 2005**

UNITED STATES DISTRICT COURT JUDGE

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5 By: 
6 The Hon. Jeffrey S. White

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